



Rhode Island
Department of Environmental Management

DIVISION OF FISH AND WILDLIFE

3 Fort Wetherill Rd
Jamestown, RI 02835

401 423-1920
FAX 401 423-1925
TDD 401 831-5508

Public Hearing Summary Document

May 14, 2008 at 6 PM

**URI Narragansett Bay Campus
Corless Auditorium**

- 1) Proposed amendments to the RI monkfish regulations relating to a monkfish fishery control date;
- 2) Amendments to the commercial fishing licensing regulations, titled "Rules and Regulations Governing the Management of Marine Fisheries" regarding the inclusion of a monkfish fishery control date;
- 3) Proposed maximum gauge sizes for the Area 3, 4, 5, and 6 lobster fisheries

The public has been afforded the opportunity to comment on the proposals contained in this document at the public hearing scheduled for Wednesday, May 14, 2008 (6 PM) at the URI Narragansett Bay Campus, Corless Auditorium or by submitting written comments to the Division of Fish and Wildlife, 3 Fort Wetherill Road, Jamestown, RI 02835 no later than 12:00 p.m. on May 14, 2008. Underlined and bold font indicates new language and crossed out font denotes existing language proposed for elimination.

- 1) Proposed amendments to the RI monkfish regulations relating to a monkfish fishery control date**

7.21 Monkfish

7.21.1 – Commercial

7.21.1-1 Minimum size -- No person fishing commercially shall land or possess any monkfish measuring less than seventeen inches (17") total length or eleven inches (11") tail length whether that fish was caught within the jurisdiction of this State or otherwise.

7.21.1-2 Possession Limits –

(a) For any non-federally permitted RI licensed vessel, the possession limit will be 50 pounds tail weight or 166 pounds whole weight of monkfish per vessel per calendar day beginning August 1 through March 31 annually.

(b) For any non-federally permitted RI licensed vessel, the possession limit will be 200 pounds tail weight or 664 pounds whole weight of monkfish per vessel per calendar day beginning April 1 through July 31 annually.

(c) The possession limit may be modified on the basis of a RI state water monkfish quota as set by DEM. When the state water quota has been harvested as determined by the Division, the Director shall close the state water monkfish fishery.

7.21.1-3 Vessels in possession of a federal permit allowing the harvest of monkfish may harvest monkfish in state waters if and only if they are operating during a previously and properly declared day-at-sea; in such instances, such vessels may harvest monkfish in the amount authorized to be possessed pursuant to federal regulations, and thus not be bound by the possession limits set forth in section 7.21.1-2. Vessels in possession of a federal permit allowing the commercial harvest of monkfish may also transit state waters in possession of monkfish in the amount authorized to be possessed pursuant to applicable federal regulations and land the same if so permitted pursuant to Rhode Island State Law, so long as all of the fish harvesting gear on board the vessel is stowed while in state waters.

7.21.1-4 Per section 6.1-9 of the regulations titled “Rules and Regulations Governing the Management of Marine Fisheries,” a control date of April 1, 2008 is established for the commercial monkfish fishery in Rhode Island waters.

- 2) Amendments to the commercial fishing licensing regulations, titled “Rules and Regulations Governing the Management of Marine Fisheries” regarding the inclusion of a monkfish fishery control date

(6.1-9) Control Dates

- (a) By rule, the Department may establish control dates, which shall serve as cut-off dates for establishing potential eligibility criteria for future access to a fishery.
- (b) Eligibility criteria may include, but are not limited to, historic participation and/or gear levels as documented by transaction records and official state or federal logbooks.
- (c) The establishment of a control date is intended to promote awareness of potential eligibility criteria for future access to a fishery and to discourage speculative shifting of effort into that fishery. To this end, the Department may give various weighted considerations to those active in the fishery before and after the control date.
- (d) Establishing a control date does not commit the Department to any particular management regime or criteria for limiting future access to a fishery; however, once enacted, control dates may only be used to limit future access to a fishery in accordance with a state fisheries management plan.

(e) Control dates may only be established prospectively, unless a retroactive control date is expressly required by federal law, regulation or court decision.

(f) A control date of December 31, 2007 is established for the soft-shell clam fishery in Rhode Island.

(g) A control date of December 31, 2007 is established for the purse seine and mid-water/pair trawl fisheries in Rhode Island.

(h) A control date of April 1, 2008 is established for the commercial monkfish fishery in Rhode Island waters.

3) Proposed maximum gauge sizes for the Area 3, 4, 5, and 6 lobster fisheries

15.20.3 ASMFC Lobster Fishery Management Area Management Measures

3. Lobster Fishery Management Area 3 (Offshore Waters) –

A. Minimum Gauge Size – The minimum gauge size for American lobster in LFMA 3 shall be no lower than the carapace length identified in the following schedule. July 1st is the deadline for implementing these minimum gauge size increases.

YEAR AREA 3

2001 3-9/32" (83.34 mm)

2002 3-5/16" (84.14 mm)

2003 3-11/32" (84.93 mm)

2004 3-3/8" (85.72 mm)

2005* 3-13/32"* (86.52 mm)

2006* 3-7/16"* (87.31 mm)

2007* 3-15/32"* (88.11 mm)

2008* 3-1/2"* (88.90 mm)

B. Maximum Gauge Size – ~~There is currently no maximum gauge size for American lobster in LFMA 3.~~ The maximum gauge size for American lobster in LFMA 3 shall be no greater than the carapace length of 7 inches (177.80mm).

4. Lobster Fishery Management Area 4 (Inshore Northern Mid-Atlantic) –

A. Minimum Gauge Size – The minimum gauge size for American lobster in LFMA 4 shall be no lower than the carapace length identified in the following schedule. The 2001 year indicated runs throughout the entire calendar year (January 1-December 31). July 1st is the deadline for implementing regulations in years 2002-2004.

YEAR AREA 4

2001 3-9/32"* (83.34 mm)

2002 3-5/16" (84.14 mm)

2003 3-11/32" (84.93 mm)

2004 3-3/8" (85.72 mm)

*NOTE: No action may be taken in Area 4 until 2002.

B. Maximum Gauge Size – As of July 1, 200~~28~~²⁸, for any person or vessel permitted or declared to fish in LFMA 4, the maximum gauge size for American lobster (~~FEMALES ONLY~~) shall be no greater than 5-1/4 inches* (133.35 mm).

~~*NOTE: Area 4 may consider a maximum gauge size of 5 inches (127.0 mm) if, following an updated stock assessment, it is necessary to meet lobster management plan goals and objectives. If maximum gauge sizes are not in effect in adjacent LFMA's, then Area 4 fishermen may V-notch female lobsters above the maximum gauge size.~~

5. Lobster Fishery Management Area 5 (Inshore Southern Mid-Atlantic) –

A. Minimum Gauge Size – The minimum gauge size for American lobster in LFMA 5 shall be no lower than the carapace length identified in the following schedule. The 2001 year indicated runs throughout the entire calendar year

(January 1-December 31). July 1st is the deadline for implementing regulations in years 2002-2004.

YEAR AREA 5

2001 3-9/32^{***} (83.34 mm)

2002 3-5/16^{***} (84.14 mm)

2003 3-11/32^{***} (84.93 mm)

2004 3-3/8^{***} (85.72 mm)

*NOTE: No action may be taken in Area 5 until 2002.

B. Maximum Gauge Size – As of July 1, 200~~48~~⁴⁸, for any person or vessel permitted or declared to fish in LFMA 5, the maximum gauge size for American lobster (~~FEMALES ONLY~~) shall be no greater than 5-1/~~24~~²⁴ inches* (~~139.70~~ 133.35 mm).

~~*NOTE: Area 5 will implement the maximum gauge size of 5-1/2 inches if, following an updated stock assessment, it is necessary to meet lobster management plan goals and objectives. If maximum gauge sizes are not in effect in adjacent LFMA's, then Area 5 fishermen may V-notch female lobsters above the maximum gauge size.~~

6. Lobster Fishery Management Area 6 (New York and Connecticut State Waters)

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A. Minimum Gauge Size – The minimum gauge size for American lobster in LFMA 6 (New York and Connecticut state waters) shall be no lower than the

carapace length identified in the following schedule. July 1st is the deadline for implementing these regulations in the calendar years indicated below:

YEAR AREA 6

2004* 3-9/32^{***} (83.34 mm)

2005* 3-5/16^{***} (84.14 mm)

*NOTE: Area 6 will implement minimum gauge size increases beyond 3-1/4^{***}, at the rate of 1/32^{***} per year, beginning in 2004, until a final minimum gauge size of 3-5/16^{***} is reached, if, following an updated stock assessment, it is necessary to meet lobster management goals and objectives.

B. Maximum Gauge Size – ~~There is currently no maximum gauge size for American lobster in LFMA 6. The maximum gauge size for American lobster in LFMA 6 shall be no greater than the carapace length of 5-1/4 inches (133.35mm).~~